

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

)
) Docket No. 72-22-ISFSI
)

PRIVATE FUEL STORAGE, LLC
(Independent Spent Fuel
Storage Installation)

) ASLBP No. 97-732-02-ISFSI
)
) June 7, 1999
)

STATE OF UTAH'S RESPONSE IN SUPPORT OF
OHNGO GAUDADEH DEVIA'S
MOTION TO EXTEND DISCOVERY

Pursuant to the Board's Order dated June 2, 1999 (Schedule for Responses to Motion to Extend Discovery Period), the State files this response in support of Ohngo Gaudadeh Devia's ("OGD") May 28, 1999, Motion to Extend Discovery in order to take Chairman Bear's deposition.

OGD's request is reasonable for several reasons. First, various Board orders have modified or supplemented existing NRC regulations that affect discovery, scheduling and other procedural issues. The Board should accommodate a public interest group who has made a good faith effort to adhere to the Board's orders relating to discovery.

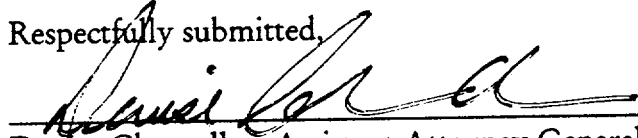
Second, during the month of May it would have been difficult, if not impossible, to schedule Mr. Bear's deposition because of other depositions and discovery that were taking place during that time period. For example, during May the following deposition were taken by either the Applicant or the State: (a) the week

of May 10, five depositions (the sixth deposition was canceled due to illness); (b) the week of May 17, three depositions; (c) the week of May 27, seven depositions. All of these deposition necessitated the Applicant's presence, either to take the deposition or to defend it. In addition, during May, the parties were sending and responding to discovery requests.

Finally, a date, suitable to all parties, could be found that would allow OGD to take Mr. Bear's deposition some time this summer. The State is willing to be accommodating to the Applicant if extensions of time are needed to fit in the Bear deposition.

DATED this 7th day of June, 1999.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S RESPONSE IN SUPPORT OF OHNGO GAUDADEH DEVIA'S MOTION TO EXTEND DISCOVERY was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 7th day of June, 1999:

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